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CP241

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Craig Heacock et al.

Serial No.: 10/616,776

Group Art Unit.: Not Yet Known

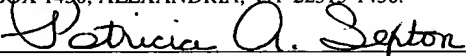
Filing Date: July 10, 2003

Examiner: Not Yet Known

For.: MODAFINIL PHARMACEUTICAL COMPOSITIONS

DATE OF DEPOSIT: October 15, 2003

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Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F. R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98,
information relating to the above-identified application is hereby disclosed. Inclusion of
information in this statement is not to be construed as an admission that this information is
material as that term is defined in 37 C.F.R. § 1.56(b).

- 1a. ☒ In accordance with §1.97(b), since this Information Disclosure Statement is
being filed either within three months of the filing date of the above-identified
application, within three months of the date of entry into the national stage of
the above-identified application as set forth in § 1.491, or before the mailing
date of a first Office Action on the merits of the above-identified application

whichever occurs last, no additional fee is required.

- b. ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first, therefore:
- ☐ Certification in accordance with § 1.97(e) is attached; or
 - ☐ The fee of **\$180.00** as set forth in § 1.17 (p) is attached.
 - ☐ The Commissioner is authorized to charge payment of the fee of **\$180.00** as set forth in § 1.17(p) from Deposit Account No. 03-1195.
- c. ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the period specified in § 1.97(d) but on or before the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of **\$130.00** as set forth in § 1.17(i)(1).
- d. ☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second after final rejection, therefore:
- ☐ Certification in Accordance with § 1.97(e) is attached; or
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 - ☐ The Commissioner is authorized to charge payment of the fee of **\$180.00** as set forth in § 1.17(p) from Deposit Account No. 03-1195.
- 2a. ☒ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith, with the exception of the U.S. patents which are not required.
- b. ☐ Copies of references listed on the attached Form PTO/SB/08A are enclosed herewith, EXCEPT THAT:
- ☐ In view of the voluminous nature of references **[list as appropriate]**, and the likelihood that these references are available to the Examiner,

copies are not enclosed herewith.

- ☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO/SB/08A are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO/SB/08A were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. , filed .
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

3a. ☐ All listed references are in the English language.

b. ☒ References **B1 and B2** are not in the English language and enclosed are:

_____ an English translation

___X___ English language abstracts

_____ a concise explanation of its relevance

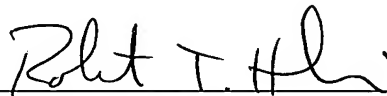
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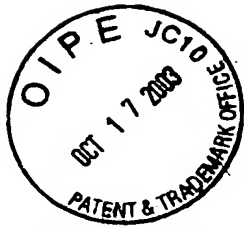
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PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/616,776
Filing Date	July 10, 2003
First Named Inventor	Craig Heacock
Art Unit	Not Yet Known
Examiner Name	Not Yet Known
Attorney Docket Number	CP241

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	US- RE37,516 E	01-15-2002	Grebow et al.	
	A2	US- 4,177,290	12-04-1979	Lafon	
	A3	US- 4,927,855	05-22-1990	Lafon	
	A4	US- 5,180,745	01-19-1993	Lafon	
	A5	US- 5,391,576	02-21-1995	Lafon, deceased	
	A6	US- 5,612,379	03-18-1997	Laurent	
	A7	US- 5,719,168	02-17-1998	Laurent	
	A8	US- 5,843,347	12-01-1998	Nguyen et al.	
	A9	US- 6,346,548 B1	12-12-2002	Miller et al.	
	A10	US- 6,455,588 B1	09-24-2002	Scammell et al.	
	A11	US- 6,462,089 B1	10-08-2002	Battaglia et al.	
	A12	US- 6,488,164 B2	12-03-2002	Miller et al.	
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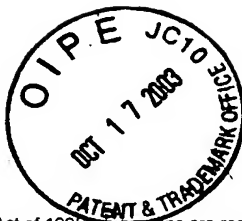
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	B1	EP 547 952 B1	09-06-1995	Lafon		
	B2	EP 594 507 A1	04/27/94	Laurent		
	B3	WO 02/096401 A1	12-05-2002	Corvari et al.		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Examiner Name	Not Yet Known
Attorney Docket Number	CP241

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	11	Duteil et al., European Journal of Pharmacology, 1990, 180, 49-58	
	12	Saletu B. et al., Int. J. Clin Pharm. Res., 1989, IX(3), 183-195	
	13	Bastuji et al., Prog. Neuro-Psychopharmacol & Biol. Psychiat., 1988, 12, 695-700	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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